

TYLER DIVISION

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16, 2012, the Court acknowledged his objections. The checks received by the Court in January and February were reviewed, and there were no checks from the Plaintiff. The Plaintiff was given until March 30, 2012 to submit the initial partial filing fee. He was warned that the Second Report and Recommendation would be forwarded for final consideration if he failed to pay the fee. As of today, he has not paid the fee. His *in forma pauperis* data sheet (docket entry #12) reveals that he had the money to pay the fee at the time it was submitted. The Plaintiff has failed to prosecute the case, thus the lawsuit should be dismissed. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that complaint is **DISMISSED** without prejudice for failure to prosecute and failure to obey an order. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. All motions by either party not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 20th day of April, 2012.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE